

Translation

PATENT COOPERATION TREATY

PCT/JP2003/012367



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference KP2718	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/012367	International filing date (<i>day/month/year</i>) 26 September 2003 (26.09.2003)	Priority date (<i>day/month/year</i>)
International Patent Classification (IPC) or national classification and IPC A61B 17/22, 17/32		
Applicant JOHNSON AND JOHNSON KABUSHIKI KAISHA		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input checked="" type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 08 April 2005 (08.04.2005)	Date of completion of this report 29 September 2005 (26.09.2005)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/012367

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☒ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ The international application as originally filed/furnished
☐ the description:
 pages _____, as originally filed/furnished

pages* _____ received by this Authority on: _____

pages* _____ received by this Authority on: _____

☐ the claims:
 pages _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the drawings:
 pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 03/12367

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-17	YES
	Claims		NO
Inventive step (IS)	Claims	3, 5, 8, 11-14, 17	YES
	Claims	1, 2, 4, 6, 7, 9, 10, 15, 16	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2. Citations and explanations

Document 1: JP 2003-88530 A (Masayuki NAKAO)

Document 2: JP 05-56984 A (Nissho Corp.)

Document 3: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 5635/1991 (Laid-open No. 88919/1992) (Angiomedo AG.)

Document 4: JP 8-238245 A (Kabushiki Kaisha Kaijirushi Hamono Kaihatsu Senta)

Document 5: WO 94/10919 A1 (SCIMED LIFE SYSTEMS, INC.)

The inventions set forth in claims 1, 4, 6 and 7 do not involve an inventive step in the light of documents 1 and 2.

Documents 1 and 2 belong to the same technical field and it would be easy for a person skilled in the art to apply the feature set forth in document 2 wherein multiple independent fine blades are integrally formed with the main cutter on the surface of a rotary cutter to the medical instrument disclosed in document 1.

The inventions set forth in claims 2 and 15 do not involve an inventive step in the light of documents 1, 2 and 3.

Documents 1 and 3 belong to the same technical field

and it would be easy for a person skilled in the art to apply the feature disclosed in document 3 of providing a vibration-imparting mechanism that applies a reciprocating vibration movement in the axial direction to the medical instrument disclosed in document 1.

The invention set forth in claim 9 does not involve an inventive step in the light of documents 1, 2, 3 and 4.

Documents 1 and 4 belong to the same technical field and it would be easy for a person skilled in the art to apply the mirror surface finishing process to the cut-out member, as disclosed in document 4, to the medical instrument disclosed in document 1.

The inventions set forth in claims 10 and 16 do not involve an inventive step in the light of documents 1, 2, 3 and 5.

Documents 1 and 5 belong to the same technical field and it would be easy for a person skilled in the art to apply the coating finishing to the cutter surface, as disclosed in document 5, to the medical instrument disclosed in document 1.

No document relating to the inventions set forth in claims 3, 5, 8 and 11-14 could be found.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/012367

Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP 2003-290239 A	14 October 2003 (14.10.2003)	29 March 2002 (29.03.2002)	
[E, X]			

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)